

January 16, 2015

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
January 16, 2015

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 1:30 P.M. AT 607 EAST ADAMS STREET, SUITE 801, SPRINGFIELD, ILLINOIS

II. PRESENT

Garrett P. FitzGerald, Chairman; Anita M. Cummings, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; John Logsdon, Mike Quinlan, Chris Nichols, Jayne Bethard, and Sherry Campbell, Illinois Department of Central Management Services; John Thompson and Kathy Parmenter, Illinois State Police; John Kerley; and Dylan Grady and Daniel Fornoff, Office of the Illinois Attorney General.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD DECEMBER 19, 2014

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD DECEMBER 19, 2014.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO CORRECT AN ERROR IN THE PREVIOUSLY APPROVED MINUTES OF THE NOVEMBER 21, 2014 MEETING TO REFLECT THAT MICHAEL QUINLAN NOT MARK MAGILL ATTENDED BY TELEPHONE, REPRESENTING ILLINOIS DEPARTMENT OF CENTRAL MANAGEMENT SERVICES.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Daniel Stralka offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

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V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Department of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	134.....	18
Agriculture.....	339.....	20
Arts Council.....	17.....	2
Capitol Development Board.....	47.....	0
Central Management Services.....	1,376.....	115
Children and Family Services.....	2,626.....	49
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	353.....	70
Commerce Commission.....	69.....	0
Corrections.....	10,888.....	99
Criminal Justice Authority.....	53.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council.....	9.....	1
Emergency Management Agency.....	81.....	5
Employment Security.....	1,238.....	32
Environmental Protection Agency.....	785.....	17
Financial & Professional Regulation.....	436.....	49
Gaming Board.....	158.....	6
Guardianship and Advocacy.....	105.....	8
Healthcare and Family Services.....	2,039.....	26
Historic Preservation Agency.....	150.....	14
Human Rights Commission.....	14.....	2
Human Rights Department.....	138.....	9
Human Services.....	12,298.....	75
Illinois Torture Inquiry Relief Commission.....	3.....	1
Independent Tax Tribunal.....	1.....	0
Insurance.....	235.....	16
Investment Board.....	4.....	2
Juvenile Justice.....	1,023.....	26
Labor.....	91.....	11
Labor Relations Board Educational.....	11.....	2
Labor Relations Board State.....	18.....	2
Law Enforcement Training & Standards Bd.....	17.....	2
Lottery.....	127.....	7
Military Affairs.....	123.....	3
Natural Resources.....	1,178.....	31
Pollution Control Board.....	20.....	2
Prisoner Review Board.....	17.....	0
Property Tax Appeal Board.....	31.....	1
Public Health.....	1,134.....	42
Racing Board.....	2.....	1
Revenue.....	1,690.....	54
State Fire Marshal.....	128.....	12
State Police.....	1,095.....	7
State Police Merit Board.....	5.....	2
State Retirement Systems.....	97.....	3
Transportation.....	2,269.....	0
Veterans' Affairs.....	1,334.....	9
Workers' Compensation Commission.....	126.....	11
TOTALS.....	44,143.....	870

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

* * *

C. Requests for 4d(3) Exemption

Executive Director Daniel Stralka reported the following:

- As to Item C, the agency requested that this matter be continued to February's meeting.
- As to Item D, the agency asked to withdraw this request.
- As to Item E, the agency requested that this matter be continued to February's meeting.
- As to Item F, this request is for a Legislative Liaison position at the Illinois State Police, a position that reports to the sworn Chief of Governmental Affairs who reports to the Director. This position will be testifying at legislative hearings to advocate the State Police's position on proposed legislation affecting the agency as well as communicating with officials and staff of the General Assembly for this purpose. The agency was before the Commission 13 months ago seeking and receiving an exemption for another legislative liaison position. This would be its second exempt legislative liaison with responsibilities divided geographically. The agency indicated that it would not be seeking any additional exempt legislative liaisons. The only Staff concern was whether the new administration was in supporting this request. Otherwise, Staff recommended approval of this request.

Commissioner Cummings inquired why the agency was dividing these responsibilities geographically. John Thompson, representing Illinois State Police, replied that the rationale was because the first position was based in Chicago and focused on legislative issues distinct to that area while this position would do likewise for areas south of I-80. Commissioner Cummings asked if there were different issues for these areas. John Thompson replied that there were, and it would also allow these legislative liaisons to establish one-on-one relationships with their particular legislators. After additional discussion regarding whether the new Administration supported this request, Commissioner Cummings and Commissioner Krey both asked if there would be an issue continuing this matter to the February meeting so the agency could confirm the new Administration's support. John Thompson indicated that would not pose a problem.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0, TO CONTINUE TO FEBRUARY 20, 2015 THE EXEMPTION REQUESTS FOR THE FOLLOWING POSITIONS:

- C: Associate Director-Office of Adult Services and Basic Supports (Human Services)**
- E: Property Tax Division Manager (Revenue)**
- F: Assistant Legislative Liaison (State Police)**

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 4-0, TO ACCEPT THE WITHDRAWAL OF THE EXEMPTION REQUEST FOR THE FOLLOWING POSITION:

D: Assistant School District Superintendent (Juvenile Justice)

The following 4d(3) exemption requests were continued to February 20, 2015 on January 16, 2015:

C. Illinois Department of Human Services

Position Number	40070-10-96-444-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Division of Family & Community Services
Functional Title	Associate Director-Office of Adult Services and Basic Supports
Incumbent	Vacant
Supervisor	Assistant Director, Division of Family & Community Services, who reports to the Director, Division of Family & Community Services, who in turn reports to the Secretary
Location	Cook County

E. Illinois Department of Revenue

Position Number	40070-25-83-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Taxpayer Services/Property Tax
Functional Title	Property Tax Division Manager
Incumbent	Vacant
Supervisor	Taxpayer Services Manager, who reports to the Director
Location	Sangamon County

F. Illinois State Police

Position Number	13851-21-00-700-30-02
Position Title	Executive 1
Bureau/Division	Office of the Director/Governmental Affairs
Functional Title	Assistant Legislative Liaison
Incumbent	Vacant
Supervisor	Chief, Governmental Affairs who reports to the Director
Location	Sangamon County

The following 4d(3) exemption request was withdrawn on January 16, 2015:

D. Illinois Department of Juvenile Justice

Position Number	40070-27-10-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	School District #428
Functional Title	Assistant School District Superintendent
Incumbent	Vacant
Supervisor	School District Superintendent, who reports to the Deputy Director, Division of Program Services, who in turn reports to the Director
Location	Sangamon County

VI. **CLASS SPECIFICATIONS**

A. Governing Rule – Section 1.45 Classification Plan

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;
- e) All requirements of the positions are consistent with classes similar in difficulty, complexity and nature of work.

The following class titles were submitted for creation by the Director of the Illinois Department of Central Management Services (CMS):

- Computer Evidence Recovery Specialist**
- Corrections Command Center Supervisor**
- Corrections Family Services Coordinator**
- Corrections Training Program Supervisor**
- Corrections Unit Superintendent**
- Criminal Intelligence Analyst Supervisor**
- Juvenile Justice Unit Superintendent**

Licensing Investigations Supervisor
Narcotics and Currency Unit Supervisor
Sex Offender Registration Unit Supervisor
State Police Inspector

C. Internal Investigations Principal Evaluation Supervisor
Internal Investigations Supervisor

D. Corrections Placement Resources Regional Supervisor
Corrections Program Administrator
Corrections Psychologist Administrator
Corrections Regional Mental Health Services Administrator
Developmental Psychological Services
Juvenile Justice Psychologist Administrator

E. Law Enforcement Training Administrator

Staff Analysis: Assistant Executive Director Barris asked John Logsdon, Central Management Services-Technical Services, if any of the positions within the Public Service Administrator, Option 7, class were covered by collective bargaining, but then taken out of collective bargaining by legislation or a decision by a labor relations board, and then these class studies were requested after they were removed from collective bargaining. Logsdon indicated that they were not taken out of collective bargaining and have always been covered by a collective bargaining contract. Barris asked why the number of incumbents listed for the Public Service Administrator (PSA) class was different on each CMS Classification Plan Review form and how many incumbents are within the PSA class as of right now. Logsdon indicated that the number kept changing as class study requests accumulated and the current number of incumbents in the PSA class is 2942. Barris asked Logsdon if the PSA, option 7, currently covered all of the classes at issue and he indicated that they did. Barris asked Logsdon if there were going to be any positions left in the PSA, Option 7. Logsdon indicated that there were three groups of positions left in the PSA Option 7 class. One group has non bargaining unit positions, another group is in bargaining unit RC62 at the Gaming Board, and a third group is in bargaining unit VR704 and will currently remain under the PSA Option 7. Barris asked Logsdon if the new administration had been apprised of the new classes and Logsdon indicated that these had been in on for months by CMS and the union and that it was public record. Logsdon indicated that all of the new classes were agreed to through collective bargaining and that the positions in the new classes would not receive an increase in salary as a result of the changes. Commissioner Krey asked about the pay grades of positions within the class and John Logsdon indicated that the pay grades had been established through collective bargaining.

Commissioner Krey asked if there were people in these positions. John Logsdon indicated there were. Commissioner Cummings then inquired if their pay was being affected. John Logsdon responded that this issue was negotiated with their union and their pay would stay the same. These reclassifications just allowed for pinpointing their duties.

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IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 4-0 TO APPROVE THE CREATION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE FEBRUARY 1, 2015:

- B. Computer Evidence Recovery Specialist**
Corrections Command Center Supervisor
Corrections Family Services Coordinator
Corrections Training Program Supervisor
Corrections Unit Superintendent
Criminal Intelligence Analyst Supervisor
Juvenile Justice Unit Superintendent
Licensing Investigations Supervisor
Narcotics and Currency Unit Supervisor
Sex Offender Registration Unit Supervisor
State Police Inspector

- C. Internal Investigations Principal Evaluation Supervisor**
Internal Investigations Supervisor

- D. Corrections Placement Resources Regional Supervisor**
Corrections Program Administrator
Corrections Psychologist Administrator
Corrections Regional Mental Health Services Administrator
Developmental Psychological Services
Juvenile Justice Psychologist Administrator

- E. Law Enforcement Training Administrator**

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

Oral Argument before the Commission on Pamela Benson, Petitioner v. Illinois Department of Corrections, Respondent, RV-32-13:

John Kerley appeared on behalf of the Petitioner and thanked the Commissioners for the opportunity to present oral argument directly to the Commissioners. He briefly recited a history of the appeal and pointed out how Benson was denied the position at Hill Correctional Center because she was not qualified but it was the agency's error that she was found not qualified. John Kerley then turned his attention to the Thompson Closure Agreement to note how Benson still had recall rights to vacant positions in her former classification and noted that for purposes of this Agreement, classification did not refer to the employee's job title as much as it referred to any job classification that was within the same salary range. Corrections Supply Supervisor was within the same salary range as Benson's former title of Executive Secretary.

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Daniel Fornoff, Assistant Attorney General, appeared on behalf of the Respondent and addressed the issue raised as to the Thompson Closure Agreement. He noted how it specifically stated “former position classification” which by its plain language did not give Benson a right to a job outside her former position classification of Executive Secretary.

Commissioner Cummings asked a series of questions about Benson’s current job which Fornoff indicated was in the title she wanted, but not the location. Commissioner Krey asked for confirmation that when exercising recall rights an employee with those rights had a priority claim to a vacant position. Fornoff confirmed that, though John Kerley noted the Thompson Closure Agreement created special rights for those agency employees negatively impacted by the facility’s closure.

The Commissioners thanked both representatives for their presentations.

VII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

FITZGERALD	YES	CUMMINGS	YES
KREY	YES	URLACHER	YES

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VIII. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 607 East Adams Street, Suite 801, Springfield, Illinois at 2:17 p.m.

PRESENT

Garrett P. FitzGerald, Chairman; Anita M. Cummings, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director.

IX. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department.

Agency	11/30/14	12/31/14	12/31/13
Arts Council	0	2	0
Central Management Services	1	4	0
Children and Family Services	0	1	0
Healthcare and Family Services	2	5	0
Human Services	2	9	0
Insurance	0	1	0
Natural Resources	5	16	0
State Retirement Systems	0	1	0
Transportation	0	2	0
Veterans' Affairs	0	1	0
Workers Compensation Commission	1	0	0
Totals	11	42	0

X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-48-14

Employee	Chelsey A. O'Connor	Appeal Date	06/19/14
Agency	Human Services	Decision Date	12/31/14
Type	Discharge	Proposal for Decision	39-day suspension plus the duration of her suspension pending discharge
ALJ	Andrew Barris		

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IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE FOR A 39-DAY SUSPENSION PLUS THE DURATION OF HER SUSPENSION PENDING DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED DECEMBER 31, 2014.

**FITZGERALD YES CUMMINGS YES
KREY YES URLACHER YES**

DA-12-15

Employee	Michael J. Dudzik	Appeal Date	9/18/14
Agency	Corrections	Decision Date	1/02/15
Type	Discharge	Proposal for	90-day suspension plus the
ALJ	Daniel Stralka	Decision	duration of his suspension pending discharge

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE FOR A 90-DAY SUSPENSION PLUS THE DURATION OF HIS SUSPENSION PENDING DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED JANUARY 2, 2015.

**FITZGERALD YES CUMMINGS YES
KREY YES URLACHER YES**

RV-32-13

Employee	Pamela Benson	Appeal Date	02/22/13
Agency	Corrections	Decision Date	12/22/14
Appeal Type	Rule Violation	Proposal for Decision on	No Violation.
ALJ	Andrew Barris	Remand	

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE

**FITZGERALD YES CUMMINGS YES
KREY YES URLACHER YES**

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XI. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

DA-20-15

Employee	Joseph A. Kath	Appeal Date	10/31/14
Agency	Natural Resources	Decision Date	12/26/14
Appeal Type	Discharge	Proposal for	Dismissed; charges were withdrawn by agency.
ALJ	Andrew Barris	Decision	

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEAL AS THE CHARGES WERE WITHDRAWN BY THE AGENCY.

FITZGERALD	YES	CUMMINGS	YES
KREY	YES	URLACHER	YES

XII. STAFF REPORT

Executive Director Daniel Stralka reported that:

- Commissioner Anderson’s appointment message was withdrawn earlier in the week before his temporary appointment could be confirmed by the Senate. Therefore, his service as a Commissioner was concluded. A resolution was made and unanimously passed to recognize James Anderson’s service to the Civil Service Commission. A suitable copy of this resolution of appreciation is to be signed by all Commissioners, framed, and presented to James Anderson.
- The Commission’s caseload is up this year by 70% compared to the same time last year.
- The new Administration had already indicated to Commission staff and other agencies that it was seeking significant spending cuts for this fiscal year due to an unanticipated shortfall in the neighborhood of \$1,500,000,000. For that reason, Executive Director Stralka had concluded that it will be necessary to defer filling the vacant fiscal officer position for the remainder of this fiscal year.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held on Friday, February 20, 2015 at 11:00 a.m. in the Commission’s Chicago office.

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XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 2:30 P.M.